

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Thomas J. Gardella et al.	Confirmation No.:	2201
Serial No.:	10/549,592	Art Unit:	1654
Filed:	January 12, 2007	Examiner:	Roy R. Teller
Customer No.:	21559		
Title:	CONFORMATIONALLY CONSTRAINED PARATHYROID HORMONES WITH ALPHA-HELIX STABILIZERS		

REPLY TO RESTRICTION REQUIREMENT

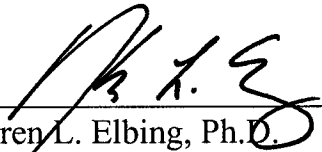
In reply to the Restriction Requirement that was mailed in connection with the above-captioned case on June 2, 2009, Applicants elect the invention of Group I, claims 1-36, and the species of SEQ ID NO: 7. The elected species reads on amended claims 1, 27, 33-50, and 56.

This election is made with traverse, in view of the amendments to the claims presented in the concurrently filed Preliminary Amendment. In the Restriction Requirement, the Office asserts that the claims lack unity of invention because the claims are anticipated by Shimizu et al., J. Biol. Chem. 276:49003-49012, 2001 ("Shimizu"). In the Preliminary Amendment, claim 1 has been amended to require that the peptide include at least one  $\alpha$ -helix-stabilizing residue of Ac<sub>4</sub>c or Ac<sub>6</sub>c. The remaining claims depend from, and require all limitations of, amended claim 1. The claims thus share the special technical feature of a PTH-derived peptide having an Ac<sub>4</sub>c or Ac<sub>6</sub>c substitution at particular positions. Shimizu does not disclose peptides having this special technical feature, and thus cannot anticipate claim 1 or its dependent claims, or render these claims as lacking unity of invention. In view of this amendment, examination of all pending claims is respectfully requested.

If there are any additional charges or any credits, please apply them to Deposit  
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Respectfully submitted,

Date: 03 August 2009

  
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